

## UNITED STATES DISTRICT COURT

for the  
Northern District of New York

Michael McCallion

v.

C.O. Matthew Marra

Case No.:

9:22-CV-253

## BILL OF COSTS

Judgment having been entered in the above entitled action on 3/21/2025 against Plaintiff,  
*Date*  
 the Clerk is requested to tax the following as costs:

|  |                    |
|--|--------------------|
| Fees of the Clerk .....  | \$ _____           |
| Fees for service of summons and subpoena .....   | _____              |
| Fees for printed or electronically recorded transcripts necessarily obtained for use in the case .....                                       | <u>2,083.08</u>    |
| Fees and disbursements for printing .....  | _____              |
| Fees for witnesses ( <i>itemize on page two</i> ) .....  | <u>164.64</u>      |
| Fees for exemplification and the costs of making copies of any materials where the copies are necessarily obtained for use in the case. .... | <u>165.00</u>      |
| Docket fees under 28 U.S.C. § 1923 .....   | _____              |
| Costs as shown on Mandate of Court of Appeals .....  | _____              |
| Compensation of court-appointed experts .....  | _____              |
| Compensation of interpreters and costs of special interpretation services under 28 U.S.C. § 1828 ....  | _____              |
| Other costs ( <i>please itemize</i> ) .....  | _____              |
| TOTAL  | \$ <u>2,412.72</u> |

*SPECIAL NOTE:* Attach to your bill an itemization and documentation for requested costs in all categories.

## Declaration

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill has been served on all parties in the following manner:

☒

Electronic service

☐

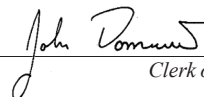
First class mail, postage prepaid

Other: \_\_\_\_\_

s/ Attorney: s/Jorge A. RodriguezName of Attorney: Jorge A. RodriguezFor: Defendants*Name of Claiming Party*Date: 4/4/2025

## Taxation of Costs

Costs are taxed in the amount of \$2,412.72 for the reasons stated herein and not opposed by Plaintiff and included in the judgment.



Clerk of Court

By: 

Deputy Clerk

5/1/2025

Date

UNITED STATES DISTRICT COURT

[illegible]

## NOTICE

**Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:**

"Sec. 1924. Verification of bill of costs."

“Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed.”

**See also Section 1920 of Title 28, which reads in part as follows:**

“A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree.”

**The Federal Rules of Civil Procedure contain the following provisions:**

**RULE 54(d)(1)**

### Costs Other than Attorneys' Fees.

Unless a federal statute, these rules, or a court order provides otherwise, costs — other than attorney’s fees — should be allowed to the prevailing party. But costs against the United States, its officers, and its agencies may be imposed only to the extent allowed by law. The clerk may tax costs on 14 days’ notice. On motion served within the next 7 days, the court may review the clerk’s action.

## RULE 6

(d) **Additional Time After Certain Kinds of Service.** When a party may or must act within a specified time after being served and service is made under Rule 5(b)(2)(C) (mail), (D) (leaving with the clerk), or (F) (other means consented to), 3 days are added after the period would otherwise expire under Rule 6(a).

**RULE 58(e)**

**Cost or Fee Awards:**

Ordinarily, the entry of judgment may not be delayed, nor the time for appeal extended, in order to tax costs or award fees. But if a timely motion for attorney's fees is made under Rule 54(d)(2), the court may act before a notice of appeal has been filed and become effective to order that the motion have the same effect under Federal Rule of Appellate Procedure 4(a)(4) as a timely motion under Rule 59.

## **ITEMIZATION AND DOCUMENTATION**

### **Fees for printed or electronically recorded transcripts necessarily obtained for use in the case, 28 U.S.C. §1920(2)**

Attached hereto as **Exhibit A** are the invoices concerning the transcription of the depositions of Plaintiff Michael McCallion, taken on April 4, 2023; Dr. Lloyd Loft, taken on August 31, 2023; Dr. Lloyd Loft, taken on January 20, 2025; and Dr. Timothy Moon, taken on February 28, 2025, totaling \$2,083.08. The deposition transcripts were necessary because the individuals deposed were either parties to this action or testified at the trial on March 17-20, 2025. *See Yunus v. Jones*, No. 9:16-CV-1282, 2020 WL 3026238, at \*3 (N.D.N.Y. June 5, 2020); 28 U.S.C § 1920(2); NDNY Guidelines for Bills of Costs at D(1)(c), (d).

### **Fees for exemplification and the costs of making copies of any materials where the copies are necessarily obtained for use in the case, 28 U.S.C. §1920(4)**

The cost is \$165.00, for copying 660 pages at \$0.25 per page. The 660 pages were necessary in that they consist of Defendants' Rule 26 mandatory disclosures, supplemental disclosures, and responses to Plaintiff's discovery demands. *See Yunus v. Jones*, No. 9:16-CV-1282, 2020 WL 3026238, at \*3 (N.D.N.Y. June 5, 2020); 28 U.S.C § 1920(4); NDNY Guidelines for Bills of Costs at (H)(1)(g).

### **Witness Fees, 28 U.S.C. § 1920(3)**

Attached hereto as **Exhibit B** is the google map printout that indicates the milage between Gouverneur Correctional Facility in Gouverneur, New York and the James T. Foley Courthouse, 445 Broadway, Albany, NY, for non-party travel costs of witnesses Keri Woods and Jeff Villeneuve (charged at the rate of 0.21 cents per mile, per 28 U.S.C. § 1821(c)(2)), who testified at trial on March 20, 2025. *See* NDNY Guidelines for Bills of Costs at (F)(1)(b).

# Exhibit A



Associated  
Reporters  
International  
Incorporated

Phone - 518-465-8029  
Email - ARII@courtsteno.com

# Invoice

## Associated Reporters Int'l., Inc.

10 River Drive  
P.O. Box 165  
Massena, NY 13662

### Bill To

NYS AG's Office  
Attn: Nicholas Dorando, Esq.  
The Capitol New York  
Albany, NY 12224

| Date     | Invoice # | Job #      | Terms | Tax ID     |
|----------|-----------|------------|-------|------------|
| 4/4/2023 | 152021    | 230315.9W1 |       | 16-1397123 |

| Quantity | Description   | Rate | Amount |
|----------|---|------|--------|
| 96       | Deposition of MICHAEL MCCALLION - MCCALLION v Marra et al -<br>Index No.: 22-CV-253 (GLS-CFH) - 3/15/23 - Albany County - Contract<br># C105201 | 4.57 | 438.72 |

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

MICHAEL MCCALLION,  
Plaintiff,  
v Index No.: 22-CV-253 (GLS-CFH)  
C.O. MATTHEW MARRA, SGT.  
JOSEPH COFFEY, C.O. MARCUS HART,  
C.O. SHAWN BARBARITO,  
C.O. GORDON GRIFFITH,  
C.O. CRAIG WEIDNER and  
C.O. KREG JACKSON,  
Defendants.

\_\_\_\_\_  
X  
DEPOSITION OF: MICHAEL MCCALLION  
DATE: March 15, 2023  
TIME: 11:04 a.m. to 12:50 p.m.  
VENUE: WebEx

**Total**

**\$438.72**



Associated  
Reporters  
International  
Incorporated

Phone - 518-465-8029  
Email - ARII@courtsteno.com

# Invoice

## Associated Reporters Int'l., Inc.

10 River Drive  
P.O. Box 165  
Massena, NY 13662

### Bill To

NYS AG's Office  
Attn: Nicholas Dorando, Esq.  
The Capitol New York  
Albany, NY 12224

| Date      | Invoice # | Job #       | Terms | Tax ID     |
|-----------|-----------|-------------|-------|------------|
| 8/31/2023 | 152678    | 230823.9Cb1 |       | 16-1397123 |

| Quantity | Description   | Rate   | Amount |
|----------|---|--------|--------|
|          | Appearance Fee: Evening Appearance - 8/23/23 - After Hours - OFF CONTRACT   | 175.00 | 175.00 |
| 76       | Deposition of DR. LLOYD LOFT - McCallion v Marra/Coffey et al - Index No.: 22-CV-253 - 8/23/23 - After Hours - OFF CONTRACT | 4.86   | 369.36 |

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

MICHAEL MCCALLION,  
Plaintiff,  
v Index No.: 22-CV-253  
C.O. MATTHEW MARRA, SERGEANT (GLS-CFH)  
JOSEPH COFFEY, C.O. MARCUS  
HART, C.O. SHAWN BARBARITO,  
C.O. GORDON GRIFFITH, C.O.  
CRAIG WEIDNER AND KREG JACKSON,  
Defendants.

\_\_\_\_\_  
X  
DEPOSITION OF: DR. LLOYD LOFT  
DATE: August 23, 2023  
TIME: 6:38 p.m. to 7:46 p.m.  
VENUE: WebEx

**Total** \$544.36

**INVOICE**

1 of 1

**REMOTE LEGAL**

One Lincoln Center  
110 West Fayette Street, Suite 750  
Syracuse, New York 13202  
315-422-4280

Jorge A. Rodriguez  
Office of the Attorney General of New York  
The Capitol  
Albany, NY 12224

| Invoice No.                             | Invoice Date | Job No. |
|---|--------------|---------|
| 35369                                   | 1/22/2025    | 32600   |
| Job Date                                | Case No.     |         |
| 1/20/2025                               | 22-CV-00253  |         |
| Case Name                               |              |         |
| McCallion vs C.O. Matthew Marra, et al. |              |         |
| Payment Terms                           |              |         |
| Due upon receipt, 1.5% after 30 days    |              |         |

Dr. Lloyd Loft

Remote Legal - Transcript Copy

|                               |       |   |         |                 |
|-------------------------------|-------|---|---------|-----------------|
| 3.00                          | Hours | @ | 200.000 | 600.00          |
| <b>TOTAL DUE &gt;&gt;&gt;</b> |       |   |         | <b>\$600.00</b> |

Thank you for your valued business!

Customer agrees to pay all costs associated with the collection of a delinquent balance including but not limited to collection agency fees, reasonable attorney fees, and court costs.

Please note that a 3% processing fee is added to the balance on all credit card payments.

If you have questions, please email us at [support@remotelegal.com](mailto:support@remotelegal.com). To make an online payment, please visit [www.remotelegal.com](http://www.remotelegal.com) and click on 'Make A Payment'.

**Tax ID:** 842527629*Please detach bottom portion and return with payment.*

Jorge A. Rodriguez  
Office of the Attorney General of New York  
The Capitol  
Albany, NY 12224

Job No. : 32600 BU ID : RL

Case No. : 22-CV-00253

Case Name : McCallion vs C.O. Matthew Marra, et al.

Invoice No. : 35369

Invoice Date : 1/22/2025

**Total Due : \$600.00**

Remit To: **Precision Reporters - Remote Legal**  
**PO Box 773010**  
**Detroit, MI 48277-3010**

**PAYMENT WITH CREDIT CARD**

Cardholder's Name: \_\_\_\_\_

Card Number: \_\_\_\_\_

Exp. Date: \_\_\_\_\_

Phone#: \_\_\_\_\_

Billing Address: \_\_\_\_\_

Zip: \_\_\_\_\_

Card Security Code: \_\_\_\_\_

Amount to Charge: \_\_\_\_\_

Cardholder's Signature: \_\_\_\_\_

Email: \_\_\_\_\_

# INVOICE

1 of 1

**REMOTE LEGAL**

One Lincoln Center  
110 West Fayette Street, Suite 750  
Syracuse, New York 13202  
315-422-4280

Jorge A. Rodriguez  
Office of the Attorney General of New York  
The Capitol  
Albany, NY 12224

| Invoice No.                             | Invoice Date | Job No. |
|---|--------------|---------|
| 37022                                   | 2/28/2025    | 34125   |
| Job Date                                | Case No.     |         |
| 2/28/2025                               | 22-CV-00253  |         |
| Case Name                               |              |         |
| McCallion vs C.O. Matthew Marra, et al. |              |         |
| Payment Terms                           |              |         |
| Due upon receipt, 1.5% after 30 days    |              |         |

Dr. Timothy Moon

Remote Legal - Transcript Copy

2.50 Hours @ 200.000 500.00

**TOTAL DUE >>> \$500.00**

Thank you for your valued business!

Customer agrees to pay all costs associated with the collection of a delinquent balance including but not limited to collection agency fees, reasonable attorney fees, and court costs.

Please note that a 3% processing fee is added to the balance on all credit card payments.

If you have questions, please email us at [support@remotelegal.com](mailto:support@remotelegal.com). To make an online payment, please visit [www.remotelegal.com](http://www.remotelegal.com) and click on 'Make A Payment'.

**Tax ID:** 842527629*Please detach bottom portion and return with payment.*

Jorge A. Rodriguez  
Office of the Attorney General of New York  
The Capitol  
Albany, NY 12224

Job No. : 34125 BU ID : RL  
Case No. : 22-CV-00253  
Case Name : McCallion vs C.O. Matthew Marra, et al.

Invoice No. : 37022 Invoice Date : 2/28/2025  
**Total Due : \$500.00**

Remit To: **Precision Reporters - Remote Legal**  
**PO Box 773010**  
**Detroit, MI 48277-3010**

**PAYMENT WITH CREDIT CARD**

Cardholder's Name: \_\_\_\_\_  
Card Number: \_\_\_\_\_  
Exp. Date: \_\_\_\_\_ Phone#: \_\_\_\_\_  
Billing Address: \_\_\_\_\_  
Zip: \_\_\_\_\_ Card Security Code: \_\_\_\_\_  
Amount to Charge: \_\_\_\_\_  
Cardholder's Signature: \_\_\_\_\_  
Email: \_\_\_\_\_



# Exhibit B

Gouverneur Correctional Facility to 445 Broadway, Albany, NY



Map data ©2025 Google 10 mi

|  |   |                          |
|--|---|--------------------------|
|  | via NY-12 S and I-90 E<br>Fastest route, the usual traffic<br>This route has tolls. | 3 hr 24 min<br>196 miles |
|  | via I-87 S  | 3 hr 59 min<br>220 miles |
|  | via I-90 E  | 3 hr 36 min<br>200 miles |

Explore new places along this route  
Add suggested stops